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April 10, 2019

VIA ELECTRONIC FILING

The Honorable Gary L. Charpe, U.S.D.J.
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 441
Albany, New York 12207

Re: **Jane Doe v. Union College, et. al.**
Index No.: 19-cv-00284-GLS-CFH

Dear Your Honor,

Please be advised, we represent Plaintiff Jane Doe ("Plaintiff") in the above-referenced matter. The undersigned writes to respectfully request an adjournment in excess of thirty-one (31) days of the current return date for Defendants' pending Motion to Dismiss. The undersigned has conferred with Defendants' counsel and all parties agree to adjourn the return date. This is the first request to adjourn the Motion to Dismiss Return Date.

The current return date for Defendants' Motion to Dismiss is May 2, 2019, making Plaintiff's deadline to file opposition papers April 15, 2019, and Defendants' deadline to file reply papers, if any, April 22, 2019. As agreed upon among counsel for the parties, the undersigned proposes the following modified return date and briefing schedule:

Deadline for Plaintiff to file opposition papers	May 6, 2019
Deadline for Defendants to file reply papers	May 27, 2019
Motion to Dismiss Return Date	June 6, 2019

The basis for this request is that the undersigned's father recently underwent unexpected emergency liver transplant surgery. As a result, the undersigned, who is primarily responsible for drafting Plaintiff's opposition to the pending motion, has been on leave pursuant to the Family and Medical Leave Act ("FMLA") and is not anticipated to return to work full-time until April 22, 2019, one week *after* Plaintiff's deadline to file opposition papers. In light of the undersigned's FMLA leave, the undersigned has been unable to fully review Defendants' moving papers, confer with Plaintiff, or draft and perfect Plaintiff's opposition papers.

**NESENOFF &
MILTENBERG_{LLP}**

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Accordingly, the undersigned respectfully requests additional time to file Plaintiff's opposition to Defendant's motion for summary judgment following her return to the office after the expiration of her FMLA leave.

Counsel remains available should the court have any questions or concerns regarding this application. Thank you.

Very truly yours,
NESENOFF & MILTENBERG, LLP

By: /s/ Gabrielle Vinci
Gabrielle M. Vinci, Esq.

CC: All Counsel (Via ECF)

SO ORDERED:

Gary L. Shaper
U.S. District Judge
Date: *April 11, 2019*